

## Supporting Statement for Paperwork Reduction Act Submissions

for applications and reports for **Take of Golden Eagle Nests Permits** contained in the regulations at 50 CFR 22.25.

### A. Justification

The following information is provided as part of a request to renew the Office of Management and Budget's approval for information collection pursuant to regulations that implement the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The information collection for Take of Golden Eagle Nest Permits involves one tailored specifically to the activity. The regulations authorizes parties to take, possess, or transport inactive golden eagle nests in the course of resource development or recovery operations. The Application Form for the permit is assigned **Form 3-200-18**. There is no annual report form for this permit.

1. The Migratory Bird Treaty Act (MBTA) implements four treaties to protect migratory birds that the United States signed with Canada, Mexico, Japan, and Russia. The prohibitions under the MBTA effect the conservation objectives of the treaties. The Bald and Golden Eagle Protection Act (BGEPA), provides additional protections to bald and golden eagles. Under both the MBTA and BGEPA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, their parts, nests, or eggs, except as permitted by regulations. Regulations implementing the MBTA and BGEPA authorize certain activities through a permitting system. The MBTA defers to the permitting provisions of BGEPA for most eagle permits. The regulations for permits for Take Golden Eagle Nests appear in 50 CFR 22.25. The information collection requirements necessary for the public to apply for the permits and to comply with reporting requirements (included on the permit) are contained in the current OMB approval. Since the issuance of the current OMB approval, the application form has been re-formatted and modified for clarity.

The appropriate sections of the MBTA and the BGEPA and the implementing regulations mandating or authorizing the collection of information are attached.

2. The application information collection is achieved using the Service's Application **Form 3-200-18**, which addresses the application requirements contained in 50 CFR 22.25. The information is used by the Service to evaluate whether a permit can be issued to allow the applicant to take, possess, and transport inactive golden eagle nests in the course of resource development or recovery operations. The permits may be valid for 2 years. The permit includes a requirement that the applicant report any activity under the permit within 10 days following the permit's expiration. The report information is used by the Service to determine whether a permit holder is in compliance with his or her permit and to track the number of nests actually taken under the permit and monitor impact on the resource. There is no special report form for this permit.

3. To date, the electronic submission of the application is not possible. We must receive an originally signed application form. Facsimile and e-mailed signatures are not accepted, although

applicants may submit supporting materials by facsimile transmission. We expect that as technology advances, we will be able to accept electronic submissions of applications. Therefore, we have changed the format of page 1 of the application form so that the information fields on the form correspond to the data fields in our Service-wide permit issuance and tracking computer system. Once the form is approved, it will be posted on the Internet in a format that will allow the public to complete the form on-line and print the completed form for signature and submission.

4. No duplicate information is collected elsewhere in the Service that could be used to decide whether this permit can be issued or whether a permittee is in compliance with his/her permit. Except for general information such as name and address, no other Federal agency collects information of this kind.
5. The Service estimates that 2 small businesses and/or small entities annually submit applications for Take of Golden Eagle Nests and 2 submit reports that contain these information collection requirements. This is not considered a substantial number of small businesses.
6. The consequence of not collecting the information contained in this application form is that the applicant would not be issued a permit since the collected information is either required on the permit itself or needed to make the legal findings and determinations under the BGEPA and the MBTA.
7. It is not anticipated that a respondent would have to address any of the information collection methods or circumstances described in this justification instruction.
8. We will request comments on this information collection in a Federal Register notice.
9. There is no provision within the BGEPA or the MBTA to provide any gift or payment to respondents.
10. Since the information collected is subject to the requirements of the Privacy Act and the Freedom of Information Act, the Service can assure confidentiality to respondents. All applicants receive an information sheet explaining the requirements of both Acts.
11. None of the information collected on this application form is of a sensitive nature.
12. Service experience indicates that approximately 2 respondents will apply for a permit to Take Golden Eagle Nests each year. (This does not include the number of permittees requesting renewal of a permit due to expire, which is captured under the permit renewal application form 3-200-58.) The frequency of response is on occasion. It will take the respondent an average of 4 hours to complete the application and comply with the reporting requirement, with a total burden assumed by all applicants of 8 hours.

We estimate that 2 small businesses and/or small entities annually submit applications or reports annually that contain these information collection requirements. Assuming an hourly cost of

\$10.00 yields \$ 80 plus a \$25.00 application fee (\$ 50), totaling \$ 130.

13. The annual "out of pocket" cost to the respondents is approximately \$ 50 (2 applicants multiplied by the \$25 application processing fee).

14. The annualized cost to the Federal Government for processing the applications and reports is approximately \$ 84. This value is based on the average salary per hour of the Service personnel likely to be involved in the processing of the applications and reports (\$17), plus operational expenses per hour (\$4), multiplied by the estimated number of hours required to process an application and report (2), multiplied by the number of applications/reports the Service receives each year (2).

15. There is no significant change in the estimated annual burden on the public or cost to the Government.

16. There are no plans for publication of the results of this information collection.

17. The Service is not seeking approval to not display the expiration date for OMB approval.

18. There are no exceptions to the certification statement contained in Item 19 of OMB Form 83-I for the information being collected by this application form.

#### B. Collection of Information employing Statistical Methods.

No statistical methods are used.